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FAX No. 317 637 7561 P. 005/020
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WEMMH PTO/SB/26 (08-04)

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TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)
8317-18/FG-4478-CON

In re Application of: Rahul MITAL, et al.

Application No. 10/651,055

Filed: August 28, 2003

For: ADSORBER AFTERTREATMENT SYSTEM HAVING A BYPASS PATHWAY

The owner*, Fleetguard, Inc., of, 100, percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent Nos. 6,735,940 and 6,820,414 as the term of said prior patents is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

~~In-making-the-above-disclaimer, the-owner-does-not-disclaim-the-terminal-part-of-the-term-of-any-patent-granted-on-the-instant-application-that-would-extend-to-the-expiration-date-of-the-full-statutory-term-as-defined-in-35-U.S.C. 154-and-173-of-the-prior-patents, "as the term of said prior patents is presently shortened by any terminal disclaimer," in the event that said prior patents later:~~

- expire for failure to pay a maintenance fee;
- are held unenforceable;
- are found invalid by a court of competent jurisdiction;
- are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- have all claims canceled by a reexamination certificate;
- are reissued; or
- are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. _____.

Signature

Date

Marya M. Rose, Secretary, Fleetguard, Inc.
Typed or Printed Name

(812) 377-3609
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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GENERIC FORMS

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Fleetguard, Inc.Application No./Patent No: 10/651,055Filed/Issue Date: August 28, 2003

Entitled:

ADSORBER AFTERTREATMENT SYSTEM HAVING A BYPASS PATHWAY

Fleetguard, Inc.

a,

corporation

(Name of Assignee)

(Type of Assignee, e.g., Corporation, Partnership, University, Government Agency, etc.)

States that it is:

- The assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title, and interest.
The extent (by percentage) of its ownership interest is: _____ %.

In the patent application/patent identified above by virtue of either:

- A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014403, Frame 0264 or for which a copy thereof is attached.

OR

- B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
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 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Marya M. Rose

Typed or printed name

(812) 377-3609

Telephone Number

Secretary, Fleetguard, Inc.

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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